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Department of Health and Human Services  
Office of the Board of Health  
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**REGULATION TO ENSURE THE SANITARY AND SAFE OPERATION OF  
ADULT-USE MARIJUANA ESTABLISHMENTS AND THE SALE OF ADULT-USE  
MARIJUANA**

**A. Statement of Purpose and Authority:**

Whereas, Massachusetts voters approved the regulation of the use and distribution of adult-use marijuana not medically prescribed on November 8, 2016 pursuant to Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-use marijuana;

Whereas, the prevention of the illegal sale and use of marijuana, particularly involving youth, is a public health priority;

Whereas, the state regulation 935 CMR 500.000 allows for lawful local oversight and regulation, including local fee requirements;

Whereas, Chapter 55 of the Acts of 2017 specifically allows municipalities to "adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments" specifically related to "the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories" provided that such restrictions "are not unreasonably impracticable and are not in conflict" with the state statute or regulations regulating marijuana sales;

Whereas, local oversight and inspection of adult-use marijuana establishments are within the legal authority of local boards of health to protect public health, safety and welfare;

Whereas, the Massachusetts Supreme Judicial Court has held that ". . . [t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means."<sup>1</sup>

Now, therefore it is the intention of the Arlington Board of Health to regulate adult-use marijuana establishments and the sale of adult-use marijuana.

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<sup>1</sup> Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).

## **B. Definitions:**

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 500.000 and General Law Chapter 94G, §1. In addition, for the purposes of this regulation, the following words shall have the following meanings:

Adult-Only Retail Tobacco Store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products or offer of services is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and which maintains a valid Tobacco and Nicotine Delivery Product Sales Permit as required by the Arlington Board of Health.

Board of Health: Town of Arlington Board of Health and its designated Board of Health Agents.

Board of Health Agent: The Director of Public Health and any town employee designated by the Board of Health, which may include Board of Health staff, law enforcement officers, fire officials and code enforcement officers.

Business Agent: An individual who has been designated by the owner or operator of any adult-use marijuana establishment to be the manager or otherwise in charge of said establishment.

Edible Marijuana Products: A marijuana product that is to be consumed by humans by eating or drinking and is sold or made by a facility licensed as a Marijuana Establishment under 935 CMR 500.000.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Marijuana: All parts of any plant of the genus cannabis, not excepted below, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94G of the General Laws.

“Marijuana” shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with adult-use marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories: Equipment, products, devices or materials of any kind that are intended or designed for use in ingesting, inhaling or otherwise introducing adult-use marijuana into the human body.

Marijuana Establishment: Any type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.050, including a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer independent testing laboratory, marijuana retailer, marijuana research facility, marijuana transporter, marijuana micro-business, or any other type of licensed marijuana-related

business, except a medical marijuana treatment center (otherwise known as a Registered Marijuana Dispensary ("RMD")).

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD): An entity registered under 105 CMR 725.100: "Registration of Registered Marijuana Dispensaries," which acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Marijuana Establishment Agent Permit: A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, which permits an eligible person to be employed by a Marijuana Establishment.

Marijuana Establishment Agent Permit Holder: Any employee at a Marijuana Establishment who applies for and receives an Establishment Agent Permit.

Marijuana Product: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana-Infused Product (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in General Law Chapter 94G, §1.

Marijuana Products: Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Marijuana Establishment Operating Permit: A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, that permits a Marijuana Establishment to operate within the Town of Arlington. A separate Marijuana Establishment Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Marijuana Establishment is approved by the Cannabis Control Commission to cultivate marijuana or prepare MIPs.

Operating Permit Holder: Any person engaged in the cultivation, sale, distribution or delivery of marijuana who applies for and receives a Marijuana Establishment Operating Permit, or any person who is required to apply for an operating permit pursuant to these regulations, or his or her business agent.

Minimum Legal Sales Age: The age an individual must be before that individual can be sold a marijuana product in the municipality.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to an owner, operator, manager, proprietor or person in charge of any establishment, business, cultivation property or retail store.

Self-Service Display: Any display from which customers may select marijuana or a marijuana-infused product without assistance from an establishment.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes adult-use marijuana products.

#### **C. Marijuana Sales to Persons Under the Minimum Legal Sales Age Prohibited:**

1. No person shall sell marijuana or permit marijuana, as defined herein, to be sold to a person under the minimum legal sales age; or give marijuana or marijuana products as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in the Town of Arlington is 21 years of age.
2. Each person selling or distributing marijuana or marijuana products as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth and showing that the purchaser is 21 years of age or older.
3. All retail sales of marijuana or marijuana products shall be face-to-face between the seller and the buyer and occur at the permitted location unless and until delivery of marijuana is authorized and licensed under state regulation and then, in strict compliance with all applicable rules and regulations as well as the age limitation set forth herein.

#### **D. Marijuana Establishment Operating Permit:**

1. No person shall sell, cultivate, deliver or otherwise commercially distribute marijuana or marijuana products, as defined herein, within the Town of Arlington without first obtaining a Marijuana Establishment Operating Permit issued annually by the Arlington Board of Health. Only owners of establishments with a permanent, non-mobile location in Arlington are eligible to apply for an operating permit at the specific location in the Town of Arlington and must meet the following application requirements:
  - i. All applicants shall certify that they are in compliance with all local and state laws, regulations, bylaws, including proof of a current license with the Cannabis Control Commission and be prepared to show proof if requested.

- ii. A marijuana delivery-only establishment, if authorized and licensed under state regulation shall not be required to have a permanent non-mobile location but shall have an in-state permanent business office address and contact information available. Upon request, the establishment must share information about the current location and destination of its employees with the Arlington Board of Health.
2. No person shall gift marijuana or marijuana products to a consumer contingent upon the sale of any other products.
3. No person shall accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides marijuana or a marijuana product without charge.
4. As part of the Marijuana Establishment Operating Permit application process, the applicant will be provided with this Town of Arlington regulation. Each applicant is required to sign a statement declaring that the applicant has read this regulation and that the applicant is responsible for instructing all employees who will be responsible for marijuana sales about federal, state and local laws regarding the sale of marijuana, including this regulation.
5. As part of the Marijuana Establishment Operating Permit application process, the applicant shall submit to the Board a detailed summary of its operating policies and procedures as required for submission to the Cannabis Control Commission under 500 CMR 101 (1) or 500 CMR 101(2)(for previously registered RMD Applicants) which shall include, but not be limited to provisions for security, inventory, storage and transportation of marijuana; transportation of marijuana, prevention of diversion of marijuana products among employees in the workplace, quality control and testing of products, personnel and training policies; medicinal product dispensing procedures (as applicable); and record-keeping procedures.
6. A separate Marijuana Establishment Operating Permit, displayed conspicuously, is required for each Marijuana Establishment, the fee for which shall be determined by the Arlington Board of Health.
7. A Marijuana Establishment Operating Permit is non-transferable. Each new owner of a Marijuana Establishment must apply for a new permit.
8. Issuance of a Marijuana Establishment Operating Permit shall be conditioned on an applicant's consent to periodic inspections of the Marijuana establishment, including any off-site location within the jurisdiction of the Board of Health, where business is conducted relating to the manufacture or sale of marijuana at the Marijuana establishment.
9. A Marijuana Establishment Operating Permit will not be renewed if the permit holder has failed to pay all fines issued and the time to appeal the fines has expired without an appeal having been filed and/or the permit holder has not satisfied any outstanding permit suspensions. If a violation was enforced by non-criminal dispositions, any appeal shall be taken pursuant to G.L. c. 40, §21D.

10. A Marijuana Establishment Operating Permit may be subject to non-renewal if the establishment has sold or otherwise supplied marijuana or a marijuana product to any person under the minimum legal sales age two (2) or more times within the previous 12 months and either the time to appeal has expired without an appeal having been filed or any such appeal or appeals were unsuccessful. The permit holder may request a hearing pursuant to this regulation prior to non-renewal. A hearing will be held pursuant to Section L of this regulation.
11. No person under the minimum legal sales age shall be permitted to enter Marijuana Establishment except, if the establishment is co-located with a medical marijuana treatment center as defined in 935 CMR 500.002. Those persons in possession of a registration card demonstrating that he or she is a registered qualifying patient with the Medical Use of Marijuana Program, (105 CMR 725.000 Implementation of the Act for the Humanitarian Medical Use of Marijuana, or 935 CMR 501 Medical Use of Marijuana) may enter.
12. A Marijuana Establishment shall sell primarily marijuana, edible marijuana products and marijuana accessories. The sale of other products must be merely incidental. A retail marijuana establishment is prohibited from holding Tobacco and nicotine Delivery Product Sales Permit, or a license that permits the sale or distribution of any alcoholic beverage in any form. No applicant for an Operating Permit, nor any operating Marijuana Establishment is permitted to hold or acquire a common victualler license or Permit to Operate a Food Establishment issued by the Board of Health for on-premises food consumption without first providing clear notice to the Select Board, the Arlington Redevelopment Board, and the Board of Health of its intention to provide food service along with marijuana retail products and obtaining explicit approval for same from each such appropriate entity.
13. All Marijuana Establishment Operating Permits expire annually on December 31<sup>st</sup>.
14. Each applicant is required to provide proof of a current Certificate of Registration to Operate a Marijuana Establishment, issued by the Cannabis Control Commission, or other authorized agency, before a Marijuana Establishment Operating Permit can be issued.
15. The Board of Health will hold a public hearing for the applicant to present their initial application. The Board of Health may require the applicant to furnish additional information regarding their application before voting to grant or deny the Marijuana Establishment Operating Permit. The Board will not hold a public hearing for renewal applications.
16. Each Marijuana Establishment must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the Marijuana Establishment's operating practices, policies and plans. The community meeting shall be advertised by the Marijuana Establishment through direct mail or other written communication to abutters. A notice of the same shall be advertised in the local newspaper. A report outlining the attendance, comments received, and proposed responses and plans to address the comments shall be submitted to the Board with the renewal application.

17. Marijuana Establishments are prohibited from using self-service displays, vending machines or Non-Residential Roll-Your-Own machines. All retail sales of marijuana must be face-to-face between the Marijuana Establishment Agent and the patron and occur at the permitted location, unless the Card Holder is the proper recipient of home delivery in accordance with 105 CMR 725.000.
18. As a condition of Marijuana Establishment Operating Permit issuance, the Marijuana Establishment agrees to provide to the Board of Health a copy of their Marijuana Establishment License, annual renewals thereafter, any changes to the business as described in 935 CMR 500.104 and current written operating procedures required in 935 CMR 500.105.
19. As a condition of Marijuana Establishment Operating Permit issuance, the Marijuana Establishment agrees to notify the Board of Health, orally and in writing, within 24 hours of a visit to the premises or request for information by any representative of the Cannabis Control Commission acting in an official capacity. The Marijuana Establishment shall provide the Board of Health with any reports, written or electronic correspondence, or information from the Cannabis Control Commission on demand or, in any case, within five (5) business days after receipt by the Marijuana Establishment.
20. Applicants who plan to prepare or sell edible MIPs at their Marijuana Establishment must undergo the Board of Health plan review process for food establishments prior to beginning operations. All edible MIPs shall be prepared, handled and stored in accordance with the requirements of 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments at all times during operation.
21. No applicant is permitted to be a Massachusetts lottery dealer.
22. A separate Marijuana Establishment Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Marijuana Establishment is approved by the Cannabis Control Commission to cultivate marijuana or prepare MIPs.
23. The Marijuana Establishment Operating Permit shall be displayed in an open, conspicuous place in view of the public.
24. Marijuana Establishment Operating Permit Holders shall at all times ensure the buildings, structures, physical facilities, vehicles, fixtures and equipment of the Marijuana Establishment are maintained in a sanitary condition, in good repair, free from defects, and in every way fit for the use intended so as to prevent the occurrence of any nuisance conditions or other conditions which may endanger or impair health, safety or wellbeing of an occupant or the general public.
25. Applicants shall develop a plan, subject to review and approval by the Board of Health, for the safe and secure storage and disposal of all marijuana waste and refuse. The plan shall ensure all marijuana waste and refuse is rendered unusable and is disposed of in accordance with applicable laws.
26. Marijuana Establishment Operating Permit Holders shall at all times be subject to periodic, unannounced inspections conducted by the Board of Health and/or the Arlington Police Department. It shall be the responsibility of Operating Permit Holders to ensure that procedures

are in place to ensure authorized agents Board of Health and/or Police Department can gain immediate entrance into the premises at any time employees are on the premises. Denial or delay of access to the Board of Health or the Arlington Police Department may be grounds for immediate suspension or revocation of a Marijuana Establishment Operating Permit.

27. Issuance and maintenance of a Marijuana Establishment Operating Permit shall be conditioned on the Marijuana Establishment Operating Permit Holder's compliance with any orders issued by the Board of Health to correct any deficiencies or violations identified during an inspection.
28. Marijuana Establishment Operating Permit Holders agree that a Marijuana Establishment will not open for business before 9:00 am and shall close no later than 8:00 pm daily.
29. Marijuana Establishment Operating Permit Holders agree that employees must be off the premises no later than 15 minutes after the official closing hour for customers, provided however, that such employees or other hired agents and contractors may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food products for the next day's business or opening or closing the business in an orderly manner. Further, no manager or employee shall consume any alcoholic beverages, marijuana or marijuana products while on the licensed premises while on duty or after the official closing hour.
30. Marijuana Establishment Operating Permit Holders agree that they and their employees or agents shall refuse entrance to the premises to a person who appears to be intoxicated or unruly; and shall evict such a patron, except that in such a case the employee or agent should call the police and should offer assistance to an intoxicated person when possible.

#### **E. Marijuana Establishment Agent Permit:**

1. No Marijuana Establishment Agent or person shall sell or otherwise distribute marijuana or marijuana products at a Marijuana Establishment within the Town of Arlington without first obtaining a Marijuana Establishment Agent Permit issued annually by the Board of Health.
2. As part of the Marijuana Establishment Agent Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and understands that under this regulation they are responsible for complying with all local and state regulations pertaining to the operation of the Marijuana Establishment. Specifically, a violation of any provision of 935 CMR 500.000 or other applicable state regulation constitutes a violation of this regulation, which may be enforced by the Board of Health.
3. Each applicant is required to provide proof by means of a valid government-issued photographic identification containing the bearer's date of birth that the applicant is 21 years of age.
4. Each applicant is required to provide proof of a current Marijuana Establishment Agent registration, issued by the Cannabis Control Commission, before a Marijuana Establishment Agent Permit can be issued by the Board of Health.

5. Each applicant is required to provide the Criminal Offender Record Information (CORI) report submitted on their behalf to the Cannabis Control Commission by the Marijuana Establishment.
6. Issuance and maintenance of a Marijuana Establishment Agent Permit shall be conditioned on an applicant's on-going compliance with this regulation, the requirements set forth in 935 CMR 500.000 (incorporated by reference herein), and any other requirements and policies regarding marijuana sales issued by the Commonwealth of Massachusetts, a violation of any of which constitutes a violation of these rules and regulations, which may be enforced by the Board of Health, as well as any other entity authorized by the Commonwealth of Massachusetts, or the Town of Arlington.
7. A Marijuana Establishment Agent Permit will not be renewed if the Marijuana Establishment Agent Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding Marijuana Establishment Agent Permit suspensions.
8. Marijuana Establishment Agents must present their Cannabis Control Commission Registration Card and Marijuana Establishment Agent Permit to any law enforcement officer or municipal agent who questions the agent concerning their marijuana-related activities.
9. All Marijuana Establishment Agent Permits expire annually on December 31<sup>st</sup>.
10. The fee for a Marijuana Establishment Agent Permit shall be determined by the Board of Health annually.

**F. Incorporation of 105 CMR 500.000 and 105 CMR 590.000:**

The manufacturing of all edible marijuana products shall be conducted in a state-licensed marijuana manufacturing facility and in accordance with all applicable state regulations. All Marijuana Establishments, including those that develop or process edible marijuana products, shall comply with the sanitary requirements in 105 CMR 500.000: Good Manufacturing Practices for Food. All edible products shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments.

**G. Incorporation of 935 CMR 500.000:**

All marijuana establishment shall comply with the provisions of 935 CMR 500.000.

**H. Out-of-Package Sales:**

The sale or distribution of edible marijuana products in any form other than an original factory-wrapped package is prohibited, including the repackaging and sale of an edible marijuana product for retail sale.

**I. Self-Service Displays:**

All self-service displays of marijuana products are prohibited.

**J. Vending Machines:**

All vending machines containing marijuana products are prohibited.

**K. Marijuana Accessories:**

Marijuana accessories, as defined herein, shall only be sold in marijuana establishments and adult-only tobacco stores.

**L. Compliance with All Laws:**

1. All cultivation, processing, manufacturing, delivery, sale and use of marijuana shall be conducted in compliance with all state and local laws, ordinances, regulations, or policies. These shall include, where applicable but not limited to, compliance with Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 935 CMR 500.000, secondhand smoke laws and regulations, electronic cigarette laws and regulations, nuisance laws and regulations and all requirements associated with zoning and other local permitting. Violation of any such law, not including federal laws relating to marijuana, shall constitute a violation of this regulation and be subject to the fines and penalties described herein. Nothing in this regulation gives any immunity under federal law or poses an obstacle to federal enforcement of federal law.
2. A Marijuana Establishment shall submit a security plan for review to the Arlington Board of Health detailing all security measures taken to ensure patient, consumer, and community safety and eliminate unauthorized access to the premises.
3. The Arlington Board of Health, in consultation with the Arlington Police Department, and other town officials and departments may set limitations on the hours of operation of any Marijuana Establishment.
4. The Arlington Board of Health may require the distribution of additional educational materials in Marijuana Establishments.

**M. Financial Security:**

Marijuana Establishment Operating Permit Holders shall provide a non-cancellable surety bond or other form of surety approved by the Board of Health to cover the cost of removal, closure and/or clean-up in the event the Town must remove, close and/or clean-up the Marijuana Establishment. The amount and form of the surety bond or any other form of surety shall be determined by the Board of Health, but in no event shall exceed more than 150 percent of the cost of removal, closure and/or clean-up. The Marijuana Establishment Operating Permit Holder shall submit a fully inclusive estimate of the costs associated with removal, closure and/or clean-up, prepared by a qualified Hazardous Waste Remediation Contractor.

**N. Reporting Requirements:**

1. Any Operating Permit Holder intending to close a Marijuana Establishment, whether on a temporary or permanent basis, must notify the Board of Health in writing before such closing stating the reason and length of such closing.
2. An Operating Permit Holder shall immediately notify, in writing, the Board of Health any proceedings brought by or against the licensee under the bankruptcy laws or of any other court proceedings which may affect the status of the permit. Failure to provide such notice may result in the revocation of the permit.
3. An Operating Permit Holder shall immediately notify, in writing, the Board of Health any disturbance, theft, property damage, break-in, or breach of the peace which occurs on the Marijuana Establishment premises. The Operating Permit Holder or other responsible employee or agent shall also promptly notify the Arlington Police Department and shall take all reasonable steps to assist any injured person and shall cooperate with police in their investigation.

#### **O. Violations:**

It shall be the responsibility of the Marijuana Establishment Operating Permit Holder and the Marijuana Establishment Agent Permit Holder to ensure compliance with all sections of this regulation pertaining to his or her distribution and/or cultivation of marijuana and/or marijuana products. The violator shall receive:

1. In the case of a first violation, a fine of three hundred dollars (\$300.00).
2. In the case of a second violation within 36 months of the date of the violation before the Board, a fine of three hundred dollars (\$300.00) and the Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit shall be suspended for seven (7) consecutive business days.
3. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit shall be suspended for thirty (30) consecutive business days.
4. Nothing in this section ("Violations") shall be construed to impair the Board of Health's discretion to impose some other type of penalty in place of fines or permit suspensions if the Board concludes that another penalty is appropriate. Such other penalties may include (but are not limited to) rolling back hours of operation or fixing other conditions on the license. In the event that a permit is suspended or modified, the Permit Holder may be ordered to submit a remediation plan addressing all causes for the suspension or modification and all appropriate changes to business practices and operations. Such remediation plan shall be subject to review and approval by the BOH prior to reinstating the Permit.
5. The Board of Health reserves the right to permanently revoke a Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit for cause.
6. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation.

7. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit.
8. In addition to the monetary fines set forth herein, any Marijuana Establishment Operating Permit Holder and/or Marijuana Establishment Agent Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit is suspended, may be subject to the suspension and/or revocation of all Arlington-issued permits and licenses.
9. The Board of Health shall provide notice of the intent to suspend or revoke a Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit, which notice shall contain the reason(s) therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The Marijuana Establishment Operating Permit Holder, Marijuana Establishment Agent Permit Holder, or other involved party shall have an opportunity to be heard at such hearing. At the conclusion of the hearing, the Board of Health shall vote to suspend or revoke the Marijuana Establishment Operating Permit and/or Marijuana Establishment Agent Permit if cause for such action is found. All involved parties shall be notified in writing of the Board of Health's decision within seven (7) days of the hearing. For purposes of such suspensions or revocations, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense.
10. The Board of Health, or where exigent circumstances would not permit the calling of a meeting of the Board, the Director of Health and Human Services, may seize, suspend, and/or revoke an Operating Permit and/or an Agent Permit immediately if, in the Board or Director's discretion, public health or safety warrants such an immediate seizure. If a permit is seized immediately, a hearing will be commenced within two weeks of the seizure, unless the permit holder assents in writing to a longer period of time.
11. All marijuana and marijuana products shall be removed from the retail establishment upon suspension of the Marijuana Establishment Operating Permit. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this regulation.
12. All permit suspensions shall be served beginning on the same day of the week any violation occurred.

**P. Enforcement:**

1. Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).
2. Any resident who desires to register a complaint pursuant to this regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and they shall investigate.

**Q. Variances:**

1. A variance from this regulation may be requested in writing to the Arlington Board of Health. A variance may be granted by the Arlington Board of Health after a hearing at which time the applicant establishes the following:
  - a. Strict enforcement of this regulation would do manifest injustice; and
  - b. The granting of a variance shall not in any way impair the public health and safety or the environment.
2. The Board of Health may impose any conditions, safeguards, and other limitations on a variance when it deems it appropriate to protect the public health and safety or the environment.

**Q. Severability:**

If any provision of this regulation is declared invalid or unenforceable, all other provisions shall not be affected thereby but shall be in full force and effect.

**R. Effective Date:**

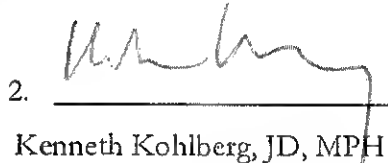
This regulation shall take effect immediately upon passage by the Arlington Board of Health.

This regulation shall take effect on December 5<sup>th</sup>, 2018.

1.

  
Marie Walsh Condon, MD

2.

  
Kenneth Kohilberg, JD, MPH

3.

  
Kevin Fallon, DVM